

REMARKS

In view of the comments which follow, and pursuant to 37 C.F.R. § 1.111, reconsideration of the Official Action of May 29, 2005 is respectfully requested by Applicant.

Summary

Claims 1 – 10 and 35 are pending. Claims 11 – 34 stand withdrawn. Claims 1 and 8 have been amended. Claim 42 has been added. No new matter has been introduced as a result of these amendments.

Response to Arguments

In the Office Action section entitled “Response to Arguments”, the Examiner cited portions of Applicant’s disclosure, namely page 3, lines 22 – 28 and page 4, lines 6 – 17. The Examiner states that from these portions of Applicant’s disclosure one of ordinary skill in the art would construe that the Applicants regards recording of the audio electronic information as printing on electronic medium such as, CD or DVD.

Applicant submits that a use of the word “recorded”, in reference to audio electronic information, is generally understood to imply that the audio information is registered or captured on a medium in a reproducible form. However, one of ordinary skill in the art would understand that a recording of audio does not necessarily or automatically imply a printing of audio on medium such as CD or DVD.

The earliest audio reproducible printings were captured on phonograph drums or discs with spiral grooves carrying printed audio (sound) for phonographic reproduction. One of ordinary skill in the art would agree that the phonograph disc audio was produced via a printing of grooves on a vinyl disc, although this vinyl disc was commonly referred to as a “record”. The printed grooves reflected a physical modification or “etching” of an initial surface of the vinyl disc.

In contrast, when referring to a magnetic hard drive or tape, the use of the word “recorded” is generally taken to mean “magnetically stored.” No “non-magnetic” physical modifications are performed on a surface of the tape or magnetic disc of the hard drive to magnetically store the audio information.

Moreover, a printing of the audio electronic information on a CD or a DVD is also understood by one of ordinary skill in the art to represent an inscribed reproducible printing, which can not be erased magnetically. Thus, Applicant's disclosure that the data recorded on a medium such as a CD by a user printing device is to be construed as being printed on that CD or any other printable medium.

Claim Rejections under 35 U.S.C. § 102

The Examiner has rejected Claims 1 – 3 under 35 U.S.C. § 102 (b) as being anticipated by Polash (WO 99/18518). Although, Applicant respectfully traverses these rejections, Claim 1 has been amended to clarify the invention and remove any ambiguities that may have been the basis for this rejection.

Amended Claim 1 is directed to a method for online purchasing of electronic information. This online purchasing method includes selecting electronic information, paying for the electronic information, directly receiving the electronic information by a user printing device, and printing the electronic information on a medium using the user printing device.

Applicant submits that Polash is silent about the electronic information being directly received by a user printing device, and about printing the electronic information on a medium using the user printing device.

In this regard, the Examiner has asserted that the computer terminal (or PC) 14 of Polash corresponds to the user's printing device including a medium on which the songs can be downloaded that is printed. However, Applicants respectfully disagree in that the act of downloading the electronic information to a computer terminal is distinguishable from the act of directly providing the electronic information to a printing device, and printing the electronic information using the printing device.

In the act of downloading the electronic information to a computer terminal, the electronic information is recorded on a hard drive so that it can be entirely accessible for "replaying". In contrast, in the act of directly providing the electronic information to a printing device to be printed, the electronic information is typically buffered in memory during the printing process on an internal medium of the printing device. Once the

printing process is terminated, the partially or entirely buffered electronic information is generally no longer accessible to the user from the printing device.

Moreover, even when computer terminal 14 includes a built-in or has a remotely coupled CD and/or DVD recording device, the electronic information received by terminal 14 from the database is initially saved onto the internal hard disk and then "written to disc", such as a CD or DVD medium, upon a specific request (further action) by the user to actually print the received electronic information onto the CD and/or DVD medium. In contrast, as claimed the purchased electronic information is downloaded (received) directly from the database to the user printing device without any redirecting by terminal 14 or further intervention by the user. Then, once the electronic information has been received, the user printing device prints the electronic information on the medium, such as a CD or DVD.

Thus, Polash is silent about the electronic information being directly received by a user printing device, and about printing the electronic information on a medium using the user printing device. Accordingly, Claim 1 is allowable. Dependent Claims 2 and 3 are allowable for at least the same reasons.

New Claim 42 is directed to a stand-alone user printing device. Polash is silent about such stand-alone user printing device. Moreover, Claim 42, being dependent on allowable base Claim 1, is also allowable for at least the same reasons.

Claim Rejections under 35 U.S.C. § 103

The Examiner has rejected Claims 4 – 10 under 35 U.S.C. 103(a), as being unpatentable over Polash and further in view of Salisbury et al. (U.S. Patent 6,041,703). Applicant respectfully traverses this 103(a) rejection.

In this rejection, the Examiner has combined Polash's patent, which relates to an Internet based musical indexing system for radio, with Salisbury's patent, which relates to a compact disc printing method. The Examiner stated that although Polash teaches a method for online purchasing of electronic information as analyzed for Claims 1 – 3, Polash does not disclose the limitations of Claims 4 – 10, which are suggested by Salisbury.

As discussed above, Polash does not teach or suggest the distinguishable features of Claim 1. Salisbury is also silent about the electronic information being directly received by a user printing device. Thus, a combination of the Polash and Salisbury references also fails to teach or disclose that the electronic information is directly received by a user printing device. Therefore, dependent Claims 4 – 10 are patentable over Polash in view of Salisbury.

The Examiner has next rejected Claim 35 under 35 U.S.C. 103(a), as being unpatentable over Polash and further in view of Salisbury et al. (U.S. Patent 6,041,703). Applicant respectfully traverses this 103(a) rejection.

In regard to Claim 35, all of the limitations are covered in Claims 1 – 10. Thus, based on the prior discussions of Claims 1 - 10, the Polash and Salisbury references may not be combined to render Claim 35 unpatentable.

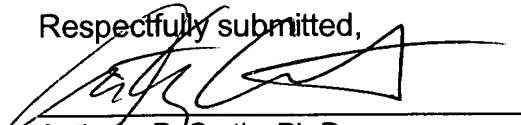
As such, Applicant respectfully requests that the rejections of Claims 1- 10, and 35 under 35 U.S.C. § 103(a) be withdrawn.

Conclusion

Therefore, in view of the above amendment and remarks, Applicant respectfully submits that this application is in condition for allowance and such action is earnestly requested. If, there are fees due, Applicant requests that this paper constitutes any necessary petition and authorizes the Commissioner to charge any underpayment, or credit any overpayment, to Deposit Account No. 23-1925.

If for any reason, however, the Examiner feels that a telephone interview would be helpful in resolving any remaining issues the Examiner is respectfully requested to contact Applicant's undersigned attorney.

Respectfully submitted,



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